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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/443,793 11/18/99 ALBRECHT

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EXAMINER

WILLIAM H EILBERG ESQ
420 OLD YORK
JENKINTOWN PA 19046

PICKARD, A
ART UNIT PAPER NUMBER

3626
DATE MAILED:

5

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/443,793

Applicant(s)

ALBRECHT, DAVID E.

Examiner

Alison K. Pickard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-26 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13-22 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipate by Smith (4,095,809).

Smith discloses a one-piece plate 31 having an interior opening and a boundary. A one-piece seal 36 is disposed within the boundary. A support ring 22 is disposed within the seal. The seal is a flexible o-ring. The ring 22 is metal and has an outer boundary with two chamfers 24 and an outer diameter greater than the o-ring inner diameter (col. 2, lines 57-58).

3. Claims 19, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ossyra (4,750,370).

Ossyra discloses a sealing plate 34 defining a central bore 108. The bore transitions smoothly from a larger diameter portion to a smaller diameter (Figs. 2 or 13) and comprises the flow path. The plate comprises structural support. The fluid-handling component has at least one seal (a face seal) 30 or 32 with a diameter larger than the central bore.

4. Claims 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Huber (6,082,183).

Huber discloses a fluid flow conduit blocked by a plate 130 including a non-rupturable, non-perforated, domed portion. The dome defines a convex surface 136 facing the fluid flow (or convex in a direction opposite to direction of fluid flow) (see col. 9, lines 58-62). The dome extends across a circular portion and transitions smoothly from a flat surface (see Figs. 3, 5, or 10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

Smith does not disclose the angles of the chamfers are 45 degrees. This is considered a design choice. It is not considered inventive to discover the workable or optimum ranges by routine experimentation. See *In re Aller*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the angle of the chamfers to 45 degrees as a matter of choice in design.

7. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Malcolm (4,346,848).

Claims 16-18 are Jepson claims. Therefore, the preamble (portion preceding "the improvement") is considered admitted prior art. Applicant has disclosed that a known orifice plate that controls fluid flow from a first component to a second component. Applicant has not disclosed that surface of the plate is domed and convex in a direction of the first component

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(convex facing the fluid) or that the dome includes an orifice. Malcolm teaches an orifice plate 20 for controlling fluid flow. The plate has a dome that can be positioned so that it faces the fluid flow (i.e. is convex facing the fluid) (see Fig. 4). The dome helps improve water distribution. The dome includes the orifice 21 in a central region. The dome transitions smoothly from a flat surface. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the admitted prior art with the dome shape as taught by Malcolm to improve fluid distribution.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ossyra.

Ossyra does not disclose that the sealing plate diameter is generally equal to the component diameter. This is considered a design choice. See *In re Aller*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the bore diameter of the plate to equal the component diameter as a matter of choice in design.

Allowable Subject Matter

9. Claims 23-26 are allowed.

10. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments filed 7-2-01 have been fully considered but they are not persuasive are moot in view of the new ground(s) of rejection.

Regarding claims 1-4, Smith does disclose a one-piece plate and seal. The plate 31 is one piece. The seal 36 is one piece. The support ring 22 is one piece. The ring is placed within the seal opening which is within the plate opening. The claims do not require the support 13 and plate 15 to be "sections of the same unitary plate" as argued by applicant, nor does the specification state they are. Therefore, Smith meets the limitations of the claims.

Huber discloses the limitations in amended claims 13-15. The plate does not rupture and does not have perforations. The dome is convex facing the fluid.

Claims 16-18 (as well as all of the claims) are Jepson claims. Therefore, the preamble is prior art. The stated prior art already discloses that the plate provides controlled from the first component to the second. Malcolm teaches that the dome of the plate can face the fluid. Therefore, the dome would be convex in a direction toward the first component.

Ossyra discloses the limitations of in amended claims 19-22. The plate has a central bore with a transitioned diameter. The components have at least one seal.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 703-305-0882. The examiner can normally be reached on M-F (9-6:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

AP
October 1, 2001



Anthony Knight
Supervisory Patent Examiner
Group 3600